

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RATE AND SERVICE CHANGES TO IMPLEMENT
FUNCTIONALLY EQUIVALENT NEGOTIATED
SERVICE AGREEMENT WITH BANK ONE
CORPORATION

Docket No. MC2004-3

UNITED STATES POSTAL SERVICE MOTION FOR A STAY OF TIME
IN WHICH TO FILE COMMENTS REGARDING RECONSIDERATION
(September 15, 2005)

On August 23, 2005, the Commission issued an Order Establishing Procedural Framework for Reconsideration, Order No. 1443. The Order indicated that comments on the reconsideration should be filed no later than September 16, 2005. On September 14, 2005, J.P. Morgan Chase & Co. (Bank One Corporation, the party to the NSA, has merged with J.P. Morgan Chase to form J.P. Morgan Chase & Co., hereinafter "Chase") petitioned the Commission to reopen the record to consider additional evidence as part of its reconsideration of its recommended decision on the Bank One NSA. See Petition of J.P. Morgan Chase & Co. to Reopen Record. In light of the pending Petition, the Postal Service moves for a stay of time to file comments in response to Order No. 1443, until after the Commission has ruled on the Petition.¹

In Order No. 1443 was issued in response to the Postal Service's Memorandum on Reconsideration, which was filed on May 13, 2005, and attached three declarations and an appendix of supplemental information in

¹ The Postal Service will file a memorandum in support of Chase's Petition.

support of its position that the Commission should reconsider its decision to impose a stop-loss cap on the discounts available to Chase. The Postal Service's Memorandum specifically addressed the possible need to reopen the record to consider the additional information. See Memorandum on Reconsideration at 9 and 10. In Order No. 1443, the Commission declined to reopen the record and instead elected to move directly to the reconsideration of its Recommended Decision. It invited comments from the Postal Service and other interested parties based on the existing record and which address issues relevant to the reconsideration. Order at 4. It encouraged the Postal Service to provide further comments that narrow the focus of its memorandum. Id. Initial comments were to be filed by September 16, 2005, with reply comments to be filed by September 30, 2005. Id. at 5.

It would seem premature to file comments based on the existing record when Chase's Petition seeks to reopen the record to include not only the Postal Service's declarations and information in support of its Memorandum, but also historical mail volumes of the pre- and post-merger Chase. These materials go to the very heart of the main issue presented on reconsideration: whether a stop-loss cap should be imposed on the Chase NSA. If Chase is successful in its petition, then it would be more appropriate to file comments on the entire record before the Commission, not just the record that currently exists.

Moreover, the Postal Service would like more time because of the competing obligations in the pending omnibus rate case. The September 16, 2005, deadline for initial comments occurs one day after the close of hearing on

rebuttal testimony and the undersigned is actively involved not only in this Docket, but also in the rebuttal phase of the omnibus case. The Postal Service also notes that extending the time in which to file comments would likely enhance the ability of interested parties to participate in the reconsideration phase of the case. All of the intervenors in the Bank One NSA case have also intervened in the omnibus rate case and some of those are also actively involved in the current rebuttal phase of the case. Staying the comment period would provide those active in both proceedings with more time in which to develop materials responsive to issues of reconsideration.

For the foregoing reasons, the Postal Service respectfully requests the Commission to stay the time in which to file comments on reconsideration. Additionally, The Postal Service requests the Commission to extend the period for comments on reconsideration for a reasonable period to allow parties to comment on this motion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

Nan K. McKenzie

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-3089, Fax -5402
September 15, 2005